

# Eligibility Hearings

For Families and Children and CHIP Cases



## What are my rights before, during, and after a hearing?

You, or the person you choose to represent you, have the following rights:

- ☒ You have the right to read everything in your case record which is kept on file at your Medicaid Regional Office. The case record has all the documents which relate to your Medicaid eligibility. You may look at this file anytime during the hearing process.
- ☒ You have the right to have a lawyer help you during the hearing.
- ☒ You have the right to have witnesses testify for you.
- ☒ You have the right to present evidence, which may help your case, at the hearing and discuss the facts about your situation.
- ☒ You have the right to explain your case without any interference.
- ☒ You have the right to question or refute any testimony or evidence and to question any witness.

***The Office of the Governor Division of Medicaid complies with all state and federal policies which prohibit discrimination on the basis of race, age, sex, national origin, handicap or disability-as defined through the Americans for Disabilities Act of 1990.***

## What is an Eligibility Hearing?

An eligibility hearing is a legal process that you may ask for if you do not agree with a decision that has been made about your Medicaid eligibility.

## How do I ask for a Eligibility Hearing?

After you have been mailed a notice telling you of any action(s) taken on your Medicaid case, you will have 30 days in which to ask for a hearing. You may do this by either writing your Medicaid Regional Office, the Medicaid State office, or by completing the "Hearing Request" form, available in your Medicaid Regional Office.

If you are already getting Medicaid or CHIP and you ask for a hearing within 10 days after getting the notice, your Medicaid will not stop until your case has been decided. CHIP benefits will be continued for the next possible month. However, if the agency's action is upheld by the hearing decision, the Division of Medicaid has the right to initiate action for recovering benefits you receive during the hearing process.

All telephone requests must be put in writing before they can be processed.

You can request either a local hearing or a state hearing.

Local and/or state level hearings are held by telephone unless, at the hearing officer's discretion, an in-person hearing is deemed necessary.

## **What is the difference between local hearings and state hearings?**

### **Local Hearings**

A local hearing is an informal review of your case, usually conducted by the Supervisor in a Medicaid Regional Office. (If your case was originally processed by the Supervisor, the hearing will be handled by someone else in the Medicaid office.)

At a local hearing you will be able to present additional and/or new information that could affect your Medicaid case, ask questions about actions taken on your case, and have the eligibility rules fully explained to you. While you do not have to, you may have a friend, relative, or lawyer help you.

Once the local hearing has been held, the Regional Office Supervisor or other staff person who heard the case will make a decision based on the facts talked about during the hearing. You will be notified in writing of this decision. If you do not agree with the local hearing decision, you can then request a state hearing.

### **State Hearings**

A state hearing is very much like a local hearing except that your case will be reviewed by a State Hearing Officer who has not been involved with your case before the review, and the hearing will be recorded. After the state hearing has been held, the Medicaid Director will make a decision based on the facts of the case and any recommendations that have been made by the State Hearing Officer. The decision made by the Medicaid Director is final within the Division of Medicaid. You cannot ask for any more agency hearings on the same issue; however, you can seek a judicial review in a court of appropriate jurisdiction.

### **How will I know when my hearing has been scheduled?**

After you have asked for a hearing, you will get a letter in the mail telling you the time and date of the hearing. If you, or the person you choose to represent you, are not able to talk on that date, you should call the Medicaid office as soon as possible and set another date.

*The Division of Medicaid has 90 days (approximately three months) to make a decision about your case.*

### **Regional Offices**

If you have questions about eligibility or if you want to apply for Medicaid, call toll-free 1-800-421-2408 or contact your nearest Medicaid office:

**Brandon 601-825-0477**  
**Brookhaven 601-835-2020**  
**Canton 601-859-3230**  
**Clarksdale 662-627-1493**  
**Cleveland 662-843-7753**  
**Columbia 601-731-2271**  
**Columbus 662-329-2190**  
**Corinth 662-286-8091**  
**Greenville 662-332-9370**  
**Greenwood 662-455-1053**

**Grenada 662-226-4406**  
**Gulfport 228-863-3328**  
**Hattiesburg 601-264-5386**  
**Holly Springs 662-252-3439**  
**Jackson 601-961- 4361**  
**Kosciusko 662-289-4477**  
**Laurel 601-425-3175**  
**McComb 601-249-2071**  
**Meridian 601- 483-9944**  
**Natchez 601-445-4971**

**New Albany 662-534-0441**  
**Newton 601-683-2581**  
**Pascagoula 228-762-9591**  
**Philadelphia 601-656-3131**  
**Picayune 601-798-0831**  
**Senatobia 662-562-0147**  
**Starkville 662-323-3688**  
**Tupelo 662-844-5304**  
**Vicksburg 601-638-6137**  
**Yazoo City 662-746-2309**